

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD
FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON
THURSDAY, AUGUST 23, 2007 AT 7:30 P.M.**

The meeting of the **New Albany City Council** was called to order by President Larry Kochert at 7:30 p.m. The meeting opened with the Lords Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Schmidt, Mr. Price, Mrs. Crump, Mr. Gahan, Mr. Messer, Mr. Zurschmiede and President Larry Kochert. Mr. Blevins was not present

OTHERS: Council Attorney Jerry Ulrich and City Clerk Marcey Wisman.

ALSO: Mayor James Garner and Board of Works member Matt Denison

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Coffey moved to approve the July 25th budget hearing minutes, Mrs. Crump second, all voted in favor.

Mr. Gahan moved to approve the July 26th budget hearing minutes, Mr. Messer second, all voted in favor.

Mr. Price moved to approve the regular meeting minutes of August 6th, Mr. Coffey second, all voted in favor except Mrs. Crump who abstained.

Mrs. Crump moved to approve the special meeting minutes from August 10th, Mr. Zurschmiede second, all voted in favor except Mr. Messer who abstained.

APPROVAL OF CF-1 FORMS:

COMMUNICATIONS – PUBLIC:

Richard Duggins spoke in support of G-07-14 and informed the council that he had talked with the members of the fire department and they are also in favor of the bill. He stated that this ordinance will bring about fairness in hiring, promotions and discipline. He wanted to go on record to say that Chief Mason was doing a great job and he feels like he is moving the department into the right direction.

COMMUNICATIONS – CITY OFFICIALS:

Mr. Schmidt read a letter into the record that is on file with the City Clerk's office regarding the suggested new parking garage and gave the financial statistics on the parking garage that was previously built.

COMMUNICATIONS – MAYOR:

COMMITTEE REPORTS:

APPOINTMENTS:

Mrs. Crump stated that she recently talked with Ms. Elizabeth Coyle and she would like to move that we nominate her to be the engineer for the Stormwater board, Mr. Gahan second,

Mr. Zurschmiede asked if they had any information on her that the rest of the council could go over.

Mrs. Crump stated that Mrs. Coyle was in the audience if they had any questions for her.

Mr. Messer stated that he didn't think this was the proper forum to be asking questions because she wasn't on the agenda.

Mr. Zurschmiede stated that he would like to have the opportunity to review the application before making any decisions and he would like to know what the standard procedure is for appointing members to the board.

There was a lengthy discussion about the procedure for appointing the new members to the Stormwater Board.

Mr. Ulrich stated that for procedural purposes he suggested that this be tabled until the next meeting.

Mrs. Crump withdrew her motion and stated that this will be on for the next meeting.

Mr. Gahan withdrew his second.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

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| G-07-13 | An Ordinance Enacting and Adopting a Merit System For the City of New Albany Fire Department | Messer 1 |
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Mr. Messer moved for the first reading of G-07-13, Mr. Coffey, all voted in favor.

Mr. Messer stated that he received some concerns from the City Attorney that he has passed on to the Fire Union President and there may be amendments made to this ordinance.

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| Z-07-13 | Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156 (Docket P-09-07: Brent Schroeder) | Zurschmiede2&3 |
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Mr. Zurschmiede moved for the second and third reading of Z-07-13, Mr. Messer second, all voted in favor. Bill Z-07-13 became Ordinance Z-07-37

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| Z-07-14 | Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156 (Docket P-10-07: Lafayette Square, LLC) | Zurschmiede2&3 |
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Mr. Zurschmiede moved for the second and third reading of Z-07-14, Mr. Coffey second. Z-07-14 did not pass with all members voting no except for Mr. Messer who abstained and Mr. Blevins who was absent.

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| Z-07-15 | Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156 (Docket P-12-07: Storage Express Management, LLC) | Zurschmiede2&3 |
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Mr. Zurschmiede moved for the second and third reading of Z-07-15, Mr. Price second, all voted in favor. Bill Z-07-15 became Ordinance Z-07-38

MISCELLANEOUS COMMUNICATIONS: (public comments on non-agenda items)

Greg Sekula, Vice President of DNA, stated that he came down to inform them that they have submitted a request for funding that the council will receive at the September 6th meeting and they will be here to answer any questions that they have at the meeting.

Mr. John Rosenbarger, addressed the board regarding the fringe area zoning that they did not pass at the last meeting. He discussed this with the Plan Commission at their last meeting and they are willing to have a public hearing again for the same R-2, steep slope and flood plan zoning or if the council did not want to do that they would rescind the fringe area and return it to the County.

Mr. Zurschmiede stated that it was his understanding the whole purpose of bringing that area into the fringe was because there was someone that wanted to put up a lot of bill boards and the City denied them but right past the line the county allowed the bill boards.

Mr. Coffey stated that he wouldn't have a problem with it if he didn't feel like there was a developer pushing the zone change for their own purposes of getting a PUD, and he is worried about what they will want to build.

Mr. Messer said that they have control over that as well by simply voting against the PUD.

Mr. Coffey stated that this council would but what about the next and he stated that county has control over it now and they won't let anything go in there.

Mr. Messer stated that they can only be responsible for themselves and not future councils' but they can't pass on issues because they are afraid of what future council members will do.

Mr. Zurschmiede stated that he understands what Mr. Coffey is saying but this parcel is small and he thinks they need to reconsider it.

Mr. Gahan stated that he thought that the reason that they were not comfortable with passing this ordinance is because it is in a flood plain and they were suppose to receive a report from the Stormwater board.

There was a lengthy discussion about the area being in a flood plain and the right to build in this area.

Mrs. Crump made a motion to reconsider the zoning ordinance, Mr. Messer second, all voted in favor.

ADJOURN:

There being no further business to be heard, the meeting adjourned at 8:11 p.m.

Larry Kochert, President
Common Council, City of New Albany

ATTEST: _____
Marcey J. Wisman, City Clerk